

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**In Re: Methyl Tertiary Butyl Ether ("MTBE")
Products Liability Litigation**

X

**Master File No. 1:00-1898
MDL 1358 (SAS)
M21-88**

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This Document Relates to:

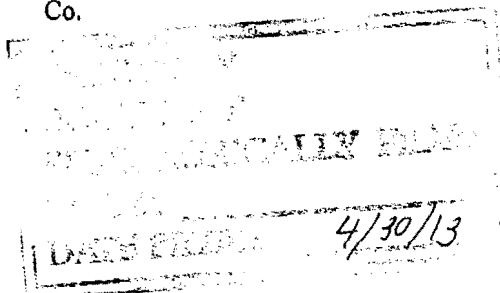
City of Pomona v. Chevron USA, Inc., et al.,
Case No. 09 Civ. 3738

X

**PLAINTIFF AND DEFENDANT KERN OIL
& REFINING CO.'S JOINT MOTION FOR VOLUNTARY
DISMISSAL WITHOUT PREJUDICE PURSUANT TO FRCP 41(a)(2)**

Plaintiff City of Pomona ("Plaintiff") owns and operates a drinking water system(s) that supplies water to residential users within its service area. Plaintiff alleges that its water supply is impacted and/or threatened by MTBE contamination. Because this matter is not a "focus case", minimal discovery or other work has been conducted in this matter.

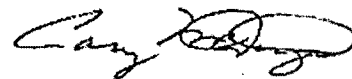
Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, Plaintiff and Kern Oil & Refining Co. ask the Court to dismiss Plaintiff's MTBE claims against Kern Oil & Refining Co. without prejudice, with each party to bear its own costs. Plaintiff and Kern Oil & Refining Co. agree that this request is reasonable and prejudices neither Plaintiff nor Kern Oil & Refining Co.



DATED: April 29th, 2013

Respectfully submitted,

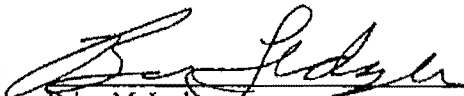
by:



Scott Summy
Cary McDougal
BARON & BUDD, P.C.
3102 Oak Lawn Avenue, Suite 1100
Dallas, TX 75219
Telephone: 214-521-3605
Facsimile: 214-520-1181

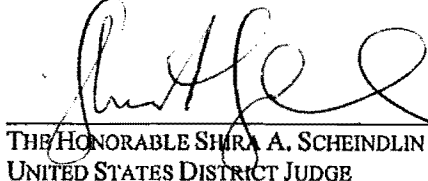
Todd E. Robins
SHER LEFF LLP
450 Mission Street, Suite 400
San Francisco, CA 94105
Telephone: 415-348-8300
Facsimile: 415-348-8333
Counsel for Plaintiff City of Pomona

by:



Brian M. Ledger
GORDON & REES, LLP
101 West Broadway, Suite 1600
San Diego, CA 92101-3541
Telephone: 619-696-6700
Facsimile: 619-696-7124
Counsel for Defendant Kern Oil & Refining Co.

SO ORDERED:



THE HONORABLE SHIRA A. SCHEINDLIN
UNITED STATES DISTRICT JUDGE

DATE

4/30/13

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing PLAINTIFF AND
DEFENDANT KERN OIL & REFINING CO.'S JOINT MOTION FOR VOLUNTARY
DISMISSAL WITHOUT PREJUDICE PURSUANT TO FRCP 41(a)(2) was served on all
counsel of record by posting it directly to LexisNexis File & Serve on April 29th, 2013.



SHELLY PETERSEN